

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

VOLUME I OF THE VIDEOTAPED
DEPOSITION OF MICHAEL DICKS, PhD, produced as a
witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 13th day of
February, 2009, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

Exhibit 32

TULSA FREELANCE REPORTERS
918-587-2878

0499e56c-5e16-4385-9721-e97cd9175ff0

1 MR. BURNS: Object to form.

2 A Yes.

3 Q Do you also agree that each defendants' choice
4 is based in part on the location of the grower in
5 relation to the feed mills, hatchery or processing
6 plants of that defendant?

11:42AM

7 A Yes.

8 Q Do you agree that each defendant controls the
9 number of growers it will have in a region or
10 complex?

11:42AM

11 A Yes.

12 Q And do you agree then as a result of that,
13 each defendant controls the density of the growers
14 it will have in an area or region or it's sometimes
15 referred to as complex?

11:43AM

16 MR. BURNS: Object to form.

17 A Yes. Certainly they would exhibit a certain
18 percent of that control, correct.

19 Q Why a percentage?

20 A Well, it takes two to sign a contract.

11:43AM

21 Q Okay, but the author of the contract is made
22 from the integrator, is it not?

23 A That's correct.

24 Q And so they choose a person to give an offer
25 to; is that correct?

11:43AM

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1 A Correct.

2 Q Would you agree with me each defendant
3 controls when and how many birds are to be grown by
4 their growers?

5 A Correct. 11:43AM

6 Q Would you agree that each defendant integrator
7 sets the schedule for when birds are in or out of
8 the growers' houses?

9 A Yes.

10 Q And do you agree with me that each defendant 11:43AM
11 controls the type and size of birds in the grower --
12 I'm sorry, I'll restate that. Do you agree with me
13 that each defendant controls the type and size of
14 birds that growers will grow for that integrator
15 defendant? 11:43AM

16 A State that again.

17 Q Would you agree that each defendant controls
18 the type and size of birds the growers will grow for
19 them?

20 A Well, you know, I guess my problem is with 11:44AM
21 your word control because do they -- do they -- you
22 know, do they guide it? Yes. Obviously they don't
23 have any control over what the producers do in terms
24 of the actual production. Do you follow me?

25 Q Let me clarify my question then. 11:44AM

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1 A Correct.

2 Q And you have not undertaken any scientific
3 studies, survey or investigation of owners in the
4 IRW who own pastureland who refuse to use poultry
5 waste on their land and how many acres that
6 represents?

02:51PM

7 A Correct.

8 Q And you agree that historically the
9 predominant use of poultry litter has been to land
10 apply it in the IRW?

02:51PM

11 A Yes.

12 MR. BURNS: Object to the form.

13 Q Would you agree that poultry farmers generally
14 would apply it on their land or nearby neighbors'
15 land when they do?

02:51PM

16 MR. BURNS: Object to form.

17 A I don't think I could stipulate that.

18 Q Do you believe or agree that generally the
19 same land is used for application each year?

20 MR. BURNS: Object to form.

02:51PM

21 A I don't -- past or present?

22 Q Past.

23 A That's -- that may be true. I don't have any
24 -- I don't have any knowledge of that.

25 Q Let me hand you what's been marked as Exhibit

02:51PM